

United States District Court

for

District of Guam

Report for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: **James Rumbaua Damaso** Case Number: **CR 06-00005-001**

Name of Sentencing Judicial Officer: Honorable James Ware, Designated Judge

Date of Original Sentence: July 24, 2006

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: Twenty months imprisonment to be followed by three years supervised release with conditions: not possess a firearm, ammunition, destructive device, or any other dangerous weapon; cooperate in the collection of DNA; not unlawfully possess a controlled substance; refrain from any unlawful use of a controlled substance and submit up to eight drug tests a month; refrain from the use of any and all alcoholic beverages; participate in a substance abuse program to include testing and making a co-payment; and perform 400 hours of community service.

Type of Supervision: Supervised Release Date Supervision Commenced: June 20, 2007

PETITIONING THE COURT

☐ To extend the term of supervision _____ years, for a total term of _____ years.

☒ To modify the conditions of supervision as follows:

1. To delete the balance of 336 hours of community service and impose a fine of \$1,965.60.

CAUSE

On July 24, 2006, James R. Damaso was sentenced to 20 months imprisonment followed by three years supervised release. Among other conditions, he was ordered to perform 400 hours of community service. On February 5, 2008, Mr. Damaso reported to the U.S. Probation Office and inquired if his community service condition could be modified to a fine. He indicated that he is now working six days a week as a heavy equipment operator and he does not have the time to perform community service. Mr. Damaso uses his one day off for rest and to spend time with his father. However, he now has the ability to pay a fine and is willing to have his wages garnished to ensure the fine is paid. Mr. Damaso is on Phase II for drug testing and Phase I for drug treatment and remains compliant with his other conditions of supervised release with the exception of performing community service.

To date, Mr. Damaso has performed 64 hours of community service and has a balance of 336 hours. Given the prevailing Federal minimum wage of \$5.85 effective January 1, 2008, this Probation Officer suggests that the court impose a fine in the amount of \$1,965.60 in lieu of performing the balance of his community service.

Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Damaso's consent to the modification.

Reviewed by:

Respectfully submitted,



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader



/s/ MARIA C. CRUZ
U.S. Probation Officer

Date: March 7, 2008

Date: March 7, 2008

THE COURT ORDERS

☐

No Action

☐

The Extension of Supervision as Noted Above.

☐

The Modification of Conditions as Noted Above.

☐

Other